# Model Notice to Owners for former orchard lands

## Purpose

This document is meant to inform all future purchasers of lots within the subdivision have lead and/or arsenic contamination on the property. The contamination is in shallow soils from the aerial application of pesticides prior to the 1950’s. Some cleanup has occurred, consistent with Ecology regulations. Additional actions are included to reduce any potential risk associated with long term, regular contact with contaminated soil.

This document should be issued by the Developer of the subdivision, and recorded with the applicable jurisdiction’s Auditor’s office, so it becomes a notice to title that shows up any time there is a title report for the property, such as during a property transaction.

This notice is recommended as a better alternative to imbedding this information into CC&Rs that may get recorded as part of this Subdivision, primarily because it shows up independent of the CC&Rs, CC&Rs are enforced through individual, civil action, and because CC&Rs can be amended by the homeowners association, which may mean the below information would be deleted from those CC&Rs over time.

## Instructions

1. Yellow-highlighted text in parentheses marks text to be replaced, such as (insert developer name here). Remove the highlight and parentheses once you’ve replaced the text.
2. Blue-highlighted text in square brackets is an instruction or explanation, like [the following section is used for…]. This text should be deleted when you’re done.
3. Remove the ‘draft’ watermark when finalized.
4. Delete this instruction page.

# Notice to owners

(Name of subdivision developer) (the Developer) is the owner of property located in (city/county) and described as follows (name of subdivision):

(Legal description of the overall subdivision property)

This notice is issued by the Developer at the request of the Washington State Department of Ecology (Ecology). The (Name of subdivision) contains lead and/or arsenic contamination in shallow soils. This is due to the aerial application of pesticides prior to the 1950s. As part of the overall subdivision and individual lot development in the (Name of subdivision), the contamination has been remediated consistent with the Ecology *Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington* developed according to the Washington State Model Toxics Control Act (MTCA).

A highly visible marker has been placed on top of remaining soils in areas that may contain contamination, and 6 inches of clean soil has been placed on top of that marker. If an Owner encounters the marker, all soil beneath that marker potentially contains contaminated soils.­

Following the completion of each residence, including landscaping, further excavation and ground disturbing activities are prohibited, unless the area disturbed is properly capped with clean soil on top of a marker material, or otherwise encapsulated with impervious surfaces.

Use these best practices to manage potential risks that could occur with   
long-term regular contact with lead and/or arsenic contaminated soil.

* Keep up grass so there are   
  no bare patches of soil.
* Grow fruit and vegetable gardens in raised beds, using imported clean soil.
* Create safe children’s play areas, like raised sand boxes or rubber mats below play areas.
* Wear shoes and gloves when gardening and working outdoors.
* Wash hands with soap after working or playing in the dirt.
* Remove shoes before entering the home.
* Wash children’s toys and pacifiers frequently.
* Wash all fruits and vegetables before eating.
* Vacuum and dust at least weekly.
* Wash dirt off pets frequently.

Dated this day of , 20 .

By: Printed name:   
For: (name of developer)